

DATE APR 22 1982

SUBJECT Litton Industries, Advanced Circuitry Division, Springfield, Missouri

FROM Daniel J. Shiel
Chief, LHZM

TO File

Site:	LITTON
ID:	4-22-82
Page:	1
Other:	4-22-82

ATTORNEY WORK PRODUCT

At 10:00 a.m. on April 19, 1982, I met with David Doyle, Karen Flournoy and Debbie McKinley, all of ARWM, to discuss current activities regarding this facility. David developed the referral package which I am working on for issuance of an administrative civil complaint under §3008 of RCRA. Karen is reviewing the closure plan submitted by Litton Industries and Debbie has been working on activities regarding possible groundwater contamination in the Springfield vicinity (primarily the Fulbright Landfill).

The following items were discussed:

1. David indicated that the wastewater currently being discharged to the lagoon probably could be delisted if a petition were filed, but that no such petition has been filed.
2. Karen stated that a closure plan was received at approximately the same time as the first emergency permit was issued (mid-March). She has reviewed that closure plan and found it to be inadequate. A revised closure plan was to have been submitted by April 15, 1982, but Karen has not yet received it.
3. Debbie indicated that in their files they have references to a dye study done under contract to MDNR some time around 1977. Dye was placed in a sink hole approximately 400 yards from the Litton facility and was traced to the Fantastic Caverns approximately 3 miles away in about 15 minutes. A complete copy of the study is not in our files but could be obtained, according to Debbie.
4. The lagoon in question is no longer receiving wastes and Litton has indicated that they will pump it until the lagoon is dry. It is currently being pumped at the rate of approximately 500,000 gallons per day to irrigation and another 500,000 gallons per day to the Springfield sewer system. It is estimated that it will take approximately one week to complete pumping down the lagoon.
5. Until we receive the final closure plan, we will not know for sure how long it will be until the treatment facility is closed. It is estimated that it will be closed within a matter of months.

6. Litton currently has two existing monitoring wells. David was not sure of the exact location of the wells but he indicated that they were not downgradient from the facility. These wells would not satisfy the groundwater monitoring requirements of 40 C.F.R. Part 265.91.

7. The latest emergency permit expires at the end of April. It was not clear whether or not the facility would have to be finally closed at the time that emergency permit expires.

Having discussed these items, we then discussed those actions which David desired regarding this facility. David outlined his desires as follows:

1. Administrative civil penalties for Litton's noncompliance with the November 19, 1981, deadline for groundwater monitoring.
2. Administrative civil penalties for increasing the design capacity of the lagoon without prior justification to and concurrence from EPA.
3. Administrative civil penalties for the leaking dikes found by MDNR in March.
4. Depending upon the time until final closure, the imposition of the groundwater monitoring requirements prior to final closure.
5. Possible violations addressed in the above administrative complaint of the closure plan requirements. Karen Flournoy is reviewing this item and expects to have that review completed within a matter of days of when the revised closure plan is received.

I asked Debbie if she were planning a referral to us for issuance of a 3013 Order to compel groundwater monitoring at the Litton site. She indicated that Litton was not listed as an uncontrolled site and that they had no immediate plans for making such a referral. She did agree that groundwater monitoring in the area was desired and hoped that we would find some mechanism for imposing at least limited groundwater monitoring under Subtitle C of RCRA.

It appears that many of the items David desires to address in the administrative complaint would be for the purpose of obtaining civil penalties for past violations. I told him that it was my understanding that we were not currently issuing complaints strictly for the purpose of collecting penalties for past violations, but further indicated that we would discuss these matters with Jim Kohanek and Heidi Hughes when they were in the

office on April 20 and 21. At one time it was desired to issue the administrative complaint prior to the time the lagoons have been pumped dry. However, all persons in attendance at the meeting felt the appropriate plan of attack to be to wait until we have received the final closure plan and reviewed those actions to be taken by Litton regarding groundwater monitoring as a part of that closure plan.

cc: David Doyle, ARWM
Karen Flournoy, ARWM
Debbie McKinley, ARWM